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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,720	12/21/2000	Greg Jones	40921/205585	7754

26108      7590      09/19/2005

DANIELS DANIELS & VERDONIK, P.A.  
SUITE 200 GENERATION PLAZA  
1822 N.C. HIGHWAY 54 EAST  
DURHAM, NC 27713

EXAMINER
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DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/742,720		JONES ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
		J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/5/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-10,13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-10,13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Amendment of Application Number 09/742720 received on 05 July 2005.
2. Claims 1, 2, 4, 7-10, 13, 15, and 16 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7-10, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ainsworth et al. (U.S. 6,728,788).

1. Regarding claims 1, 4, 8, and 9, Ainsworth disclosed a system of interprocess communications between a client and a server, comprising:

a server having server data and a server Interprocess Communications Facility which is a socket associated therewith, said server being configured for communicating with one or more clients having client data and a client Interprocess Communications Facility which is a socket associated therewith (Ainsworth, Fig. 5C);

said server Interprocess Communications Facility and said client Interprocess Communications Facility being configured for forming a connection between said server Interprocess Communications Facility and said client Interprocess Communications

Facility for delivering said server data and receiving said client data (Ainsworth, Fig. 5C),

said server being programmed for initiating a query to detect if said client is on the same system as the server as a local client on a system which is different on which it is remote (Ainsworth, col. 9, lines 5-30);

said client being configured for detecting if said server is on the same system as the client which is local or on a system which is different in which the server is remote (Ainsworth, col. 9, lines 5-30);

said server being further configured to setting pointers to said client Interprocess Communications Facility if said client is local (Ainsworth, col. 11, lines 40-50); and

said pointers being configured to form a direct connection between said server Interprocess Communications Facility and said client Interprocess Communications Facility for data exchange between said client and said server within the same connection in a manner for bypassing the transport network (Ainsworth, col. 11, lines 40-50, Fig 5C); and

said server is further configured for detecting errors in data transfer, setting said pointers to null if errors are detected, and setting a conventional Interprocess Communications Facility connection using the transport network; and

said server is further configured to determine if said server and said client Interprocess Communications Facilities within the same system are compatible, and if said server and said client Interprocess Communications Facilities are not compatible,

transferring data between said client and said server through the transport network connection (Ainsworth, col. 12, lines 25-50).

Ainsworth did not specifically disclose specifics concerning the transport network. The use of connection oriented protocols and connectionless protocols were not specifically disclosed as required by the network described by Ainsworth.

However, as disclosed in the present specification, Transmission Control Protocol/Internet Protocol (TCP/IP) is an example of a connection-oriented protocol (see Spec, page 1, lines 25-27). It is well known in the art that the TCP/IP Stack uses the Network and Transport layers of the OSI model. Ainsworth disclosed a network architecture using a TCP/IP interface (Ainsworth, col. 1, lines 40-50) as known in the prior art. Ainsworth also disclosed bypassing the transport and network layers if client and server are on the same system (Ainsworth, col. 2, lines 20-26, Fig. 5C). TCP/IP is a connection-oriented protocol. Since TCP/IP defines the transport layer and Ainsworth disclosed bypassing the transport layer if client and server are on the same system, it would have been obvious that any transport layer, connection-oriented or not, is bypassed when the determination is made when client and server are on the same system. Therefore, it would have been obvious to one of ordinary skill at the time of the invention that any transport media layer, including connection oriented protocols are bypassed in order to provide a more optimized machine from a performance standpoint (Ainsworth, col. 2, lines 54-58) thereby eliminating overhead from transmitting over the transport media (Ainsworth, col. 13, lines 25-30).

In short, Ainsworth disclosed bypassing the Network Transport when client and server are on the same system (Ainsworth, Fig 5C). Ainsworth does not specify if the Network Transport is a connection oriented or a connection-less protocol, and therefore could be either. Ainsworth also provides an example using TCP/IP, which as shown in the present specification, is a connection-oriented protocol. Since Ainsworth disclosed bypassing TCP/IP, it would have been obvious to bypass any connection-oriented protocol to eliminate unnecessary overhead from transmitting through the transport media (Ainsworth, col. 13, lines 25-30).

2. Regarding claims 2 and 10, Ainsworth disclosed the limitations, substantially as claimed, as described in claims 1 and 9. Ainsworth does not specifically state said server and said client being further configured for setting said pointers to null to disconnect their Interprocess Communications Facility connection. However, it would have been obvious for one of ordinary skill in the art to disconnect connections by changing the addresses of the pointers to NULL in order to end the connection for the purpose of freeing up memory of the RPC addresses.

3. Regarding claims 7 and 13, Ainsworth disclosed the limitations, substantially as claimed, as described in claims 1 and 9, including wherein said server is further configured to determine if said server and said client Interprocess Communications Facilities within the same system are compatible; and if said server and said client Interprocess Communications Facilities are not compatible, transferring data between

said client and said server through a conventional connection oriented protocol connection (Ainsworth, col. 12, lines 35-45).

4. Regarding claims 15 and 16, Ainsworth disclosed the limitations, substantially as claimed, as described in claim 9, including wherein said server/client is further configured to verify that said client is prepared to transmit data via said pointers set directly between said client and said server Interprocess Communications Facilities (Ainsworth, col. 5, lines 55-60).

#### **Response to Amendment**

Applicant's arguments and amendments filed on 05 July 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1, 2, 4, 7-10, 13, 15, and 16 have been fully considered but they are not persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings using the same connection [see Applicant's Response, page 7 of 8]. It is evident from the mappings found in the above rejection that Ainsworth disclosed the teaching of converting the remote procedure call into a local procedure call (Ainsworth, see summary).

Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Ainsworth clearly taught the independent claims of the Applicant's claimed invention.

Applicant's arguments with respect to claims 1, 2, 4, 7-10, 13, 15, and 16 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Ainsworth as well as other prior arts of records disclosed bypassing a connection oriented protocol is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends



broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

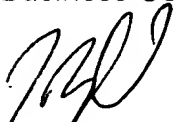
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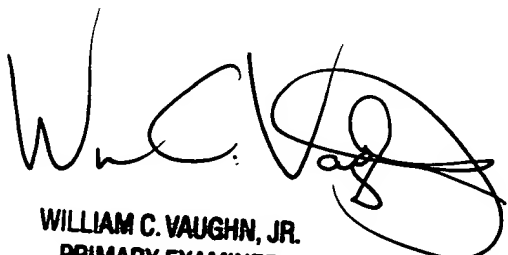
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. B. D.  
Patent Examiner  
Art Unit 2143

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER